

REMARKS

This is in response to the Office Action mailed July 6, 2009, in which all of the pending claims (6-8 & 10-21) were rejected. No amendments are made along with this response, and claims 6-8 and 10-21 are presented for reconsideration and allowance.

In the Office Action, claims 6 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cindrich et al. (U.S. Pub. No. 2005/0080378). Cindrich '378 does not teach or suggest "inserting the cannula into a needle hub such that the proximal end of the cannula is disposed in a glue well of the needle hub" or "inserting glue into the glue well" as required by original claim 6. Paragraph 0052 of Cindrich '378 only discloses "needle hub 110 is secured to the proximal end 131, by gluing, welding, crimping, or other manner". Neither the proximal end 131 of the needle, nor the inside of the needle hub 110 are shown in any of the Figures of Cindrich '378. A text search confirms that Cindrich '378 does not teach or suggest the presence of a glue well within the needle hub, let alone a method of forming a needle assembly necessitating steps performed with respect to a glue well. Without showing and describing the proximal end of the cannula in relationship with the inside of the needle hub, Cindrich '378 cannot teach or suggest every element of the original claims. Since a method of forming a needle assembly using a glue well is not taught or suggested by Cindrich '378, claim 6 is allowable over this reference. Claim 7 depends from claim 6 and is allowable when submitted therewith.

In the Office Action, claims 8 and 10-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cindrich '378. Attention is drawn to the fact that Cindrich '378 and the present application have a common assignee: Becton Dickinson and Company. According to 35 U.S.C. 103(c), Cindrich '378 is not prior art for the purposes of 35 U.S.C. 103(a) because the subject matter was subject to an obligation of assignment to the same company. Accordingly, claims 8 and 10-21 are allowable over this reference. No prima facie case of obviousness has been presented and therefore, claims 8 and 10-21 are in a condition for allowance.

First Named Inventor: William G. Moulton

Application No.: 10/550,642

-6-

All of the pending claims are in a condition for allowance and notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any overpayments to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: August 31, 2009

By: /Carolyn H. Beck/.
Carolyn H. Beck, Reg. No. 57,588
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

CHB:kmm